



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,849	08/22/2003	Youichi Yamada	031050	8142
23850 7590 01/11/2010 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
DANIELSEN, NATHAN ANDREW				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
01/11/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,849

Applicant(s)

YAMADA ET AL.

Examiner

Nathan Danielsen

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 2, 4-21, 23-28 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4, 6, 8, 10, 12-15, 17, 18, 20, 21 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 9, 11, 16, 19, 24-28 and 59 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 4-21, 23-28, and 59 are pending. Claims 2,4,6,8,10,12-15,17,18,20,21 and 23 have been withdrawn in response to applicant's election filed 20 November 2006. Claim 22 has been canceled and claim 59 has been added in applicant's amendment filed 19 March 2009. Claim 3 has been canceled in applicant's amendment filed 15 September 2009.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 September 2009 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 5, it is rejected as being indefinite because it is unclear from which claim it is dependent. Specifically, claim 5 is dependent on canceled claim 3, as indicated by the preamble of the claim (including all marks supplied in the amendment filed 15 September 2009): "The information processing unit according to claim 4 3,". Claim 7 is rejected as being dependent from an indefinite claim.

Allowable Subject Matter

6. Claims 1, 9, 11, 16, 19, 24-28, and 59 are allowed.
7. Claims 5 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either alone or in combination, fails to teach:
 - a. In claim 1: "a reproducing-condition changing section independent of the change condition selecting section, the reproducing condition changing section being adapted to detect a rotating operation and a touching operation including a pressing operation; and a processing control section that, when the change in the processing position is not selected by the change condition selecting section, stops the reproduction-processing by the information processing section on detecting the touching operation by the reproducing-condition changing section and executes the reproduction-processing by the information processing section in accordance with the rotating operation on detecting the rotating operation by the reproducing-condition changing section, and when the change in the processing position is selected by the change condition selecting section, changes start position of the reproduction-processing on detecting the touching operation by the reproducing-condition changing section to the cue point recognized by the positional instruction recognizing section and executes the reproduction-processing by the information processing section in accordance with the rotating operation on detecting the rotating operation by the reproducing-condition changing section", in combination with the remaining limitations in the claim.
 - b. Claim 24 is allowable for the same reason as claim 1.
 - c. Claims 9-11, 16, 19, 24-28, and 59 are considered allowable based on their dependence on an allowable claim.

Art Unit: 2627

- d. Note that amending claim 2 to include the limitations found in both claim 10 and claim 17, as well as ensuring that there are no issues under 35 USC 112, first and second paragraphs, would result in a claim having a scope similar to that of claims 1 and 24. Similar amendments to claims 13, which was indicated a linking claim in the restriction mailed 19 October 2006, and 23 would result in these claims having scopes similar to that of claims 1 and 24.

Closing Remarks/Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ND/
12/31/2009

/William J. Klimowicz/
Primary Examiner, Art Unit 2627